

For much of 2014, President Michael Sata's Patriotic Front (PF) government continued a pattern of harassment and intimidation of independent journalists and news outlets, cracking down on reports of the president's declining health as well as coverage of the opposition and criticism of the government. After Sata's death in October, the ensuing campaign for a January 2015 presidential election heightened the existing political polarization of Zambia's media environment.

## Legal Environment

The constitution guarantees freedom of expression, but the relevant language can be interpreted to allow legal restrictions on various grounds. Journalists and media outlets face such restrictions under criminal and civil defamation laws, sedition and obscenity laws, and provisions of the penal code including the State Security Act.

In 2014, Sata continued to pursue a defamation case against the *Daily Nation*, one of the few remaining independent print outlets, and its owner Richard Sakala in connection with a 2012 article alleging that the president had interfered with the adjudication of a financial scandal involving Zambia Airways. In May 2014, Sata himself took the unusual step of testifying at the defamation trial, which was ongoing at year's end. Separately, in a victory for press freedom, the Lusaka High Court ruled in December that provisions of Section 67 of the penal code prohibiting the publication of false information were unconstitutional because they violated the right to freedom of expression. The ruling came as part of another case involving Sakala; he had been charged in December 2013, alongside *Daily Nation* editor Simon Mwanza and democracy activist McDonald Chipenzi, with "publication of false information with intent to cause public alarm" under Section 67 in connection with an article about police recruitment methods.

In July 2013, the authorities arrested three journalists suspected of writing for the critical online outlet *Zambian Watchdog*—Clayson Hamasaka, Thomas Zyambo, and Wilson Pondamali—on charges including sedition, possession of pornography, malicious damage to property, and attempted escape from lawful custody. Pondamali was ultimately acquitted in September 2014, but the cases against Hamasaka and Zyambo remained unresolved. In January 2014, the *Zambian Watchdog* leaked a version of the much-anticipated draft constitution, prompting the government to threaten new restrictions on internet media. The government finally released the official version of the draft constitution in October.

A freedom of information bill that had been shelved by previous administrations received fresh support when Sata and the PF took power in 2011. Although the government repeated its pledges to pass the legislation through 2014, it had yet to submit the existing bill to the parliament at the end of the year.

The governance structures of the state broadcaster and the broadcasting regulator leave both agencies vulnerable to political interference. The 2010 Zambia National Broadcasting Corporation (Amendment) Act authorizes the information minister to select the corporation's board without first seeking nominations from an appointments committee, though the selections must be ratified by the parliament. The board is responsible for appointing the head of the state-owned Zambia National Broadcasting Corporation (ZNBC).

The 2002 Independent Broadcasting Authority (IBA) Act was modified in 2010, granting the information minister similar powers of direct appointment for the board of the IBA, the broadcast media regulator,

which is responsible for issuing licenses. In June 2013 the government appointed Josephine Mapona, a former journalist, as IBA director general, and a board was appointed in October 2014, after considerable delay. In September 2014, the IBA began processing applications for broadcasting licenses, a task that had previously been the responsibility of the Ministry of Information and Broadcasting Services. The IBA also launched a code of ethics, which, according to Information Minister Joseph Katema, was based on recommendations that media outlets made to the Zambia Media Council (ZAMEC), a voluntary, independent organization for Zambia's media workers. However, the IBA remains under the control of the government and continues to make politicized threats. In March, the information minister at the time, Mwansa Kapeya, warned Radio Mano, a community station in Northern Province, that its license would be revoked unless it could guarantee that its programming was "professional" and not "inflammatory." The station, which had hosted several opposition figures, was the subject of several acts of harassment and intimidation by regulators and government officials throughout 2014.

As of February 2014, the Zambia Information and Communication Technology Authority (ZICTA) required all citizens to register their mobile phone SIM cards under their real names. Those who failed to do so would have their phones deactivated. Although the government claimed that this requirement was intended to promote security, it had the effect of compromising the ability of Zambians to communicate anonymously.

## Political Environment

Upon taking power, the Sata government had pledged to free the public media—consisting of the ZNBC and the widely circulated dailies *Zambia Daily Mail* and *Times of Zambia*—from government control. However, according to media monitoring groups, these outlets have generally continued to report along progovernment lines. Self-censorship at public media outlets allegedly remains common, and journalists from mainstream outlets often turn to anonymous blogging to express themselves freely due to the threat of legal action and attacks by PF cadres. The only large-circulation private daily, the *Post*, has long been a vocal supporter of the PF, meaning all major print and broadcast outlets have favored the PF government since Sata took office. However, after a split in the PF caused by the August 2014 firing of Justice Minister Wynter Kabimba—an ally of *Post* owner Fred M'membe—the *Post* took a more critical stance toward the government.

Smaller, independent outlets, such as the *Daily Nation* newspaper and two critical websites, the *Zambian Watchdog* and *Zambia Reports*, have faced increasing legal and extrajudicial harassment. From June 2013 through April 2014, the *Zambian Watchdog* and *Zambia Reports* sites were blocked for varying lengths of time inside Zambia, although their content could be accessed on mobile devices, using circumvention tools and mirror sites, and via Facebook and Twitter.

The election campaign period in late 2014 featured an increase in media freedom violations, including editorial pressure, harassment, and intimidation of journalists and outlets. There were several reports of PF officials and party cadres warning media outlets not to cover opposition campaigns. The state media—which have the widest reach—generally favored the PF candidate, Edgar Lungu, while some private outlets showed a clear bias in favor of the opposition. The ZNBC itself was the subject of threats in November, when high-ranking PF officials stormed the newsroom and ordered the news director, Kenneth Maduma, to remove stories on Inonge Wina, the PF minister of gender, and Hakainde Hichilema, the presidential candidate of the opposition United Party for National Development (UPND). In a statement, ZNBC chairman John Mulwila alleged that the officials, who included Minister of Youth and Sports Chishimba Kambwili, threatened to fire Maduma and told ZNBC journalists not to run stories with

opposition views. Soon after the incident, Katema, the information minister, voiced his support for Mulwila. In December, PF legislator Freedom Sikazwe threatened to close Radio Walamo, in the northern town of Mpulungu, and have its staff fired if it continued to cover the region's opposition parties.

In December, the UPND filed a lawsuit against the ZNBC for failing to cover Hichilema's presidential campaign in its radio and television broadcasts, while giving full coverage to the PF general conference and other events. Also in December, the Media Institute of Southern Africa (MISA) issued a statement calling for a halt to election-related attacks on journalists and acts of censorship.

Until his death, the government remained secretive about the state of Sata's health, which had been the subject of speculation since 2012. Rumors increased in 2014 when the president made several foreign trips, including a weeks-long "working vacation" in Israel, that were apparently related to his medical treatment. He missed key events during the year, including the high-profile United States–Africa Leaders Summit in Washington in August, and a speech at the UN General Assembly in September. However, the government consistently denied that he was ill, describing such reports as "outlandish and unsubstantiated," and threatened outlets that reported on or discussed Sata's health. In May, the IBA issued a warning to privately owned Hot FM for airing discussions of Sata's health; in June, the Lusaka police delivered a similar rebuke to the independent Muvi TV. Opposition parties and analysts argued that the secrecy surrounding Sata's health and activities made it difficult for the public to know who was running the government.

At the opening of the parliament in September, Sata's first public appearance since June, only the ZNBC was allowed to broadcast live, and only journalists from the state media and the *Post* were allowed in the chamber's press gallery. Journalists from the rest of the private media were barred from the chamber and forced to watch the ailing president deliver a generally incoherent address from a press room via a live ZNBC feed. The Zambia chapter of MISA filed an official complaint with the Lusaka High Court over the incident, reportedly the first time that the private media had been barred from the opening of the parliament since independence.

For much of 2014, journalists and outlets faced harassment and physical attacks both in the course of their work and in retaliation for their reporting, and media practitioners reported a general climate of increased intimidation. Community and privately owned radio stations encountered intensified harassment and threats by local government officials and PF party cadres, especially after hosting opposition figures on call-in shows or criticizing local officials on the air. In April, PF cadres raided Sun FM in Copperbelt Province during an interview with Hichilema, forcing the candidate to flee. In September, PF cadres went to the offices of independent Breeze FM, in the eastern town of Chipata. They threatened to assault the news editor in retribution for statements made during a live program about the party's poor showing in a recent by-election.

## **Economic Environment**

Although the media market is dominated by the ZNBC, the two state-owned papers, and the *Post*, there are several private television stations with smaller audiences, some independent papers, and a growing number of private radio stations. There are also more than 70 community radio stations, though they are limited to broadcasting within a 150-kilometer radius. International broadcast services are not restricted. Some radio stations, including Radio Phoenix, UNZA Radio, and Pan African Radio, carry call-in shows that express diverse and critical viewpoints. Radio remains the medium of choice in most of the country because of its relatively low cost of access, but many stations face financial difficulties due to their

dependence on sponsored programming and the small advertising market. Reception of both state and private television signals throughout the country remains poor. There is also a state-owned national news agency, the Zambia News and Information Services (ZANIS).

Despite the blocking of some critical websites, the internet remains one of the freest spaces for journalists and bloggers to express criticism of the government. However, few Zambians are able to access the medium; internet penetration in 2014 was only around 17 percent of the population. Access is more prevalent in urban areas, where there is a greater number of internet cafés and mobile signals are stronger. In rural areas, access to mobile internet service remains difficult in practice due in part to poor signals and high costs.

The costs of newsprint and ink (which include substantial import duties and taxes), printing, and distribution remain very high, hampering print outlets' ability to increase their readership. The majority of advertising comes from the government, which places its ads exclusively in the state media. There have also been reports of private companies withholding advertising from critical private outlets due to fear of government retaliation.